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Public Record**EXPEDITED CONSIDERATION REQUESTED****BEFORE THE
SURFACE TRANSPORTATION BOARD**

**WESTERN COAL TRAFFIC
LEAGUE – PETITION FOR
DECLARATORY ORDER**

))))) Finance Docket No. 35506

MOTION FOR EXTENSION OF TIME

Pursuant to 49 C.F.R. § 1104.7(b), the Western Coal Traffic League ("WCTL"), American Public Power Association, Edison Electric Institute, National Association of Regulatory Utility Commissioners ("NARUC"), National Rural Electric Cooperative Association, Western Fuels Association, Inc., and Basin Electric Power Cooperative, Inc. (collectively "Coal Shippers/NARUC") respectfully request that the Board extend the due date for the filing, by all parties, of rebuttal evidence and argument by 8 days from December 12, 2011 to December 20, 2011. As discussed below, BNSF Railway Company ("BNSF") does not oppose this Motion. In support hereof, Coal Shippers/NARUC state as follows:

(1) On September 28, 2011, the Board issued a procedural schedule for the submission of evidence and argument ("*September 2011 Decision*"). Pursuant to the *September 2011 Decision*, interested parties filed their opening evidence and argument on October 28, 2011 and filed their reply evidence and argument on November 28, 2011. Rebuttal evidence and argument is currently due on December 12, 2011.

(2) Coal Shippers/NARUC request an extension of the December 12, 2011 due date for rebuttal submissions in order to have sufficient time to prepare and present their rebuttal evidence and argument. Coal Shippers/NARUC note that BNSF's Reply Evidence and Argument is substantially larger in size than what BNSF submitted on Opening and, among other things, contains three reply verified statements from witnesses that did not participate in, or present verified statements in, BNSF's Opening Evidence and Argument. Granting the requested extension will afford Coal Shippers/NARUC adequate time to respond to BNSF's Reply Evidence and Argument, as well as the reply submissions submitted by other parties to this proceeding.

(3) WCTL originally requested an expedited procedural schedule in this case that was "tailored to permit the Board to make a final decision prior to its anticipated issuance of BNSF's 2010 URCS in the fourth quarter of this year." WCTL Petition at 8. This expedited schedule called for submission of rebuttal evidence and argument 14 days after reply evidence and argument was filed. In its *September 2011 Decision*, the Board adopted WCTL's proposed procedural schedule, but stated that it would not decide this case prior to its issuance of BNSF's 2010 URCS. *Id.* at 2-3. In light of the Board's decision, it does not appear that the issuance of the short extension requested here will interfere with the Board's timetable for deciding this case.

(4) Granting the requested extension will not prejudice any party to this proceeding. Counsel for Coal Shippers/NARUC have discussed this Motion with counsel for BNSF – the principal railroad party in this proceeding – and are authorized to report

that BNSF does not object to the Board's extension of the due date for all parties' submission of rebuttal evidence and argument to December 20, 2011

(5) Expedited action is requested here since the parties' rebuttal submissions are currently due in 12 days under the current procedural schedule.


WHEREFORE, for the reasons set forth above, Coal Shippers/NARUC request that the Board grant this Motion on an expedited basis.

Respectfully submitted,

WESTERN COAL TRAFFIC LEAGUE
AMERICAN PUBLIC POWER ASSOCIATION
EDISON ELECTRIC INSTITUTE
NATIONAL ASSOCIATION OF REGULATORY
UTILITY COMMISSIONERS
NATIONAL RURAL ELECTRIC
COOPERATIVE ASSOCIATION
WESTERN FUELS ASSOCIATION, INC., AND
BASIN ELECTRIC POWER COOPERATIVE, INC.

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Dated: November 30, 2011

Their Attorneys

CERTIFICATE OF SERVICE

I hereby certify that this 30th day of November, 2011, I have caused copies of the forgoing to be served via first-class mail, postage prepaid upon all parties of record to this case.


Peter A. Pfohl